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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,051	03/16/2004	Yasufumi Tsumagari	249636US2SDIV	1200

22850 7590 08/10/2006

C. IRVIN MCCLELLAND
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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 32-35 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims (xx) of U.S. Patent No. (see below). Although the conflicting claims are not identical, they are not patentably distinct from each other because.

This a logical terminal disclaimer link request, based on other related application and patents already linked to 10/076,484 being US 6,798,976:

Art Unit: 2621

Cases linked to above by (Terminal Disclaimers)

- 1) 10/801,053, provisional
- 2) 10/801,057, provisional
- 3) 10/801,058, provisional
- 4) 10/801,056, provisional but, allowed
- 5) 10/800,982, issued (US 6,996,329)
- 6) 10/800,981, issued (US 7,013,076)
- 7) 10/800,977, issued (US 7,043,134)
- 8) 10/800,965, issued (US 7,031,598)

The examiner request terminally disclaiming against all above, based on all cases are previous linked with Terminals Disclaimers against: 10/076,484 being US 6,798,976.

It is noted that, "a request has already been made by the examiner of record", to applicant which was approved but, processing has not been completed as this time.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
8/7/06


VINCENT BOCCIO
PRIMARY EXAMINER